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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, *ex rel.*  
VICKI SWARTZELL and JOHN DOE,

Plaintiffs,

v.

SINGULEX, INC.

CASE NO. C 16-5241 KAW

**JOINT STIPULATION OF VOLUNTARY  
DISMISSAL; [~~PROPOSED~~] ORDER**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the qui tam provisions of the False Claims Act (FCA), 31 U.S.C. § 3730(b)(1), and in accordance with and subject to all of the terms and conditions of the settlement agreement among the United States, Relators, and Singulex, Inc., effective August 21, 2018 (the "Settlement Agreement"), the United States and Relators Vicki Swartzell and Jim Vandermeer ("Relators"), hereby stipulate, through their undersigned counsel, as follows:

1. As to the United States, the claims against Defendant are dismissed (a) with prejudice as to the Covered Conduct released in the Settlement Agreement, subject to all of the terms of the Settlement Agreement, and (b) without prejudice as to any other claims.
2. As to Relators, all claims against Defendant are dismissed with prejudice, subject to all of the terms of the Settlement Agreement, except that Relators have specifically reserved and do not release Defendant from any claims for expenses, costs, and attorney's fees under 31 U.S.C. § 3730(d), or from any claims by Relator Vicki Swartzell under 31 U.S.C. §§ 3730(h) and under Wisconsin law for unpaid wages.
3. A copy of the Settlement Agreement will be provided to the Court upon request.

**IT IS SO STIPULATED**

DATED: September 14, 2018

Respectfully submitted,

ALEX G. TSE  
United States Attorney

/s Rebecca A. Falk<sup>1</sup>  
REBECCA A. FALK  
Assistant United States Attorney

DATED: September 19, 2018

LAW OFFICES OF JOEL H. SIEGAL

s/ Joel H. Siegal  
Joel H. Siegal  
Attorneys for Relator


<sup>1</sup> I, Rebecca A. Falk, hereby attest, in accordance with the Civil L.R. 5(i)(3), the concurrence in the filing of this document has been obtained from the other signatories listed here.

1 **~~PROPOSED~~ ORDER**

2 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Court directs the Clerk to  
3 close this case pursuant to the settlement agreement between the parties.  
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5 **IT IS SO ORDERED.**

6 This 18th day of September, 2018.

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8 HON. KANDIS A. WESTMORE  
9 United States Magistrate Judge  
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